REMARKS

As a preliminary, Applicant and Applicant's representative thank the Examiner for the interview of February 2, 2009.

By the present amendment, claim 1 has been amended to delete the recitation that the vibratory means are disposed in a generally U-shaped casing and the gap is located between (i) a resilient portion of a wall of said casing forming the resilient element and (ii) the vibratory means introduced in the previous amendment.

Further, claim 1 has been amended to be presented with separate paragraphs and to recite that the gap has a width, that the gap is located between the resilient element and the vibratory element, and that the resilient element is flexible such that it is capable of being flexibly deformed to widen the gap to allow insertion of the structural element, while being naturally biased to narrow the gap to ensure fixation of the structural element.

Support for the added recitations is found in the original application, for example, at page 2, lines 1-3 and 7, page 5, lines 1-4, and the Figures.

Claim 7 has been amended to delete reference numerals, and claim 8 has been amended to depend on claim 7 instead of claim 1 and to replace "casing" by "resilient element."

New claims 15-18 directly or indirectly dependent on claim 1 have been added. New claim 15 corresponds to original claim 6. Support for new claims 16-18 is found in the original application, for example, page 5, lines 16-22.

New independent claim 19 and dependent claims 20-21 have also been added. Claim 19 corresponds substantially to claim 1 before the present amendment with similar deletion but the

additional recitation that that (i) the resilient element is formed in one piece with a casing, wherein the resilient element has an end integrally fixed with a motor of the vibratory means, and another free end defining a gap having a width, (ii) the gap is located between the resilient element and the vibratory element, the gap being provided with an opening adapted to receive the portion of the structural element so as to ensure the fixation of the device by clamping of the resilient element on the portion of the structural element, and (iii) the free end of the resilient element is capable of being deformed to widen the gap to allow insertion of the structural element, while being naturally biased to narrow the gap to ensure fixation of the structural element.

Support for the added recitations is found in the original application, for example, page 5, lines 1-4, and the Figures. Claims 20-21 correspond to claims 7 and 16, respectively, but depend on claim 19.

Claims 1-2, 4-5 and 7-21 are pending in the present application. Claims 1 and 19 are the only independent claims.

In the Office Action, claims 1-2, 4-5, and 7-10 are rejected under 35 U.S.C. 102(e) as anticipated by US 2005/0171458A1 to Luden ("Luden").

Further, claims 11-12 are rejected under 35 U.S.C. 103(a) as obvious over Luden in view of US 5,927,056 to Renehan ("Renehan"), and claims 13-14 are rejected under 35 U.S.C. 103(a) as obvious over US 6,669,291 to Hsiao ("Hsiao") in view of Luden.

Reconsideration and withdrawal of the rejections is respectfully requested. In Luden, the rod 72 is held between free ends of the arms 62 and 64, which are rigid arms that are articulated

with respect to the housing 70 so as to pivot toward an open position to allow insertion of the rod 72, then pivot back to a closed position, in which the arms are maintained by bolt 74, as shown on Figure 4 of Luden. Thus, the arms 62 and 64 are pivotable with respect to the housing 70, but Luden does not disclose any flexibility of the arms 62 and 64.

In contrast, in the presently claimed invention as recited in present claim 1, the resilient element is flexible such that it is capable of being flexibly deformed to widen the gap to allow insertion of the structural element, while being naturally biased to narrow the gap to ensure fixation of the structural element. An advantage of this feature is that clamping the structural element between the resilient portion and the vibratory means can be facilitated, and in particular, it can be performed in a single movement. This feature of the presently claimed invention is not taught or suggested in Luden, and the other cited references fail to remedy this deficiency. Therefore, present claim 1 and the claims dependent directly or indirectly thereon are not anticipated by Luden and not obvious over the cited references taken alone or in any combination.

In addition, with respect to dependent claims 2-18, it is submitted that the combined features of each of these respective claims are not taught or suggested in the cited references.

In particular, with respect to claim 7 and the claims dependent directly or indirectly thereon, it is submitted that the cited references fail to teach or suggest support means cooperating with the resilient element so as to limit or prevent the deformation of the latter in the direction of an enlargement of the gap. An advantage of a support means, as exemplified and

illustrated on Figure 9, is that it is possible to improve the clamping of the structural element very easily, and in particular, in a single movement by applying the support means.

In particular, with respect to claim 16, it is submitted that the cited references fail to teach or suggest a first casing comprising the resilient element, and a second casing having an open face so that it is capable of fitting on the first casing, and with respect to claims 17 and 18, it is submitted that the cited references fail to teach or suggest a second casing that comprises two grooves adapted to pass the structural element, and a first casing and a second casing equipped with complementary removable locking means.

Therefore, each of the dependent claims 2, 4-5 and 7-18, and in particular, each of claims 7-12 and 16-18, are not anticipated by Luden, and not obvious over the cited references taken alone or in any combination.

In addition, with respect to claim 19 and the claims dependent directly or indirectly thereon, it is submitted that the arms 62 and 64 of Luden are not formed in one piece and not integrally fixed with the housing 70 in that they are pivotable with respect to the housing 70. Thus, in Luden, the arms are opened by pivoting them with respect to the housing 70, then they are brought back together around the rod 72 and held together by bolt 74.

In contrast, in the presently claimed invention as recited in present claim 19, (i) the arm is formed in one piece with a casing, wherein the resilient element has an end integrally fixed with a motor of the vibratory means, and another free end, and (ii) the free end of the resilient element is capable of being deformed to widen the gap to allow insertion of the structural element, while being naturally biased to narrow the gap to ensure fixation of the structural element. An

advantage of this feature is that it is possible to clamp the structural element by deformation of the resilient element rather than by rotating pivotable arms as in Luden, which allows an easier construction in one piece, as opposed to the pivotable arms of Luden. This feature of the presently claimed invention is not taught or suggested in Luden, and the other cited references fail to remedy this deficiency. Therefore, present claim 19 and the claims dependent directly or indirectly thereon are not anticipated by Luden, and not obvious over the cited references taken alone or in any combination.

Further, with respect to dependent claims 20-21, it is submitted that the cited references fail to teach or suggest the combined features of each of these respective claims. Therefore, each of these respective claims is not anticipated by Luden, and not obvious over the cited references taken alone or in any combination.

In view of the above, it is submitted that the rejections should be withdrawn.

Conclusion

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 502759.

Respectfully submitted,

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